

**REMARKS**

This Amendment and Reply is intended to be completely responsive to the Final Office Action mailed February 1, 2010. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 13-16, 18, 20, 28 and 32 have been amended. Accordingly, Claims 13-32 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

**Claim Objections**

On page 2 of the Detailed Action, the Examiner objected to Claims 13-17 because of an informality. Specifically, the Examiner acknowledged that the “trim panel” and “support part” are intended to refer to the same reference character, but noted that Claims 13-17 claim both interchangeable terms separately. In response, Applicants have amended Claims 13-16 to remove any reference to the term “support part” in favor of preserving the term “trim panel” in the claims. As the Examiner acknowledged, the terms are used interchangeably throughout the specification of the present Application, and as such, replacing the term “support part” with the term “trim panel” does not alter the scope of the claims. Accordingly, Applicants respectfully request withdrawal of the objection to Claims 13-17.

**Claim Rejections – 35 U.S.C. § 102(b)**

On pages 2-3 of the Detailed Action, the Examiner rejected Claims 13-32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,973,105 to Itou (“Itou”). This rejection should be withdrawn because Itou fails to disclose, teach or suggest the claimed invention.

For example, independent Claim 13 (as amended) recites a “trim panel for use with a vehicle seat” comprising, among other elements, a “first portion attachable to the seat component; a second portion configured to support the seat cushion; and a third portion configured to substantially conceal at least the first part of the seat substructure, wherein the trim panel is displaceable with the seat component relative to the first part of the seat substructure when attached to the seat component” (emphasis added).

Also, independent Claim 18 (as amended) recites an “vehicle seat” comprising, among other elements, a “trim panel comprising a first portion attached to the seat component, a second portion that provides support to the seat cushion and a third portion that substantially conceals the first part of the seat substructure, wherein the trim panel is displaceable with the seat component relative to the first part in the second direction” (emphasis added).

Further, independent Claim 28 (as amended) recites a “vehicle seat” comprising, among other elements, a “trim panel comprising a first portion attached to the seat component, a second portion that provides support to the seat cushion and a third portion that substantially conceals the first part of the seat substructure, the trim panel being displaceable with the seat component relative to the first part in the second direction” (emphasis added).

Itou fails to disclose, teach or suggest such a trim panel or vehicle seat. In rejecting Claims 13-32 in view of Itou, the Examiner made specific reference to the “seat cushion 1” as being analogous to the claimed “seat component,” the “base bracket 3,” “side cover 4” and “support bracket 41” as being analogous to the claimed “trim panel,” the “upper rail 91” as being analogous to the claimed “first part” of the seat substructure, and the “lower rail 92” as being analogous to the claimed “second part” of the seat substructure. In response, Applicants have amended independent Claims 13, 18 and 28 to clarify that the trim panel, together with the seat component, is displaceable relative to the first part of the seat substructure (i.e., the portion of the seat substructure that is movable in a substantially horizontal direction together with the seat component relative to a second part of the seat substructure). Such a configuration is not disclosed, taught or suggested by Itou. In contrast, the “base bracket 3,” “side cover 4” and

“support bracket 41” of Itou are fixed relative to the “upper rail 91.” If the positioning of the “seat cushion 1” were to be displaced relative to the “upper rail 91” (e.g., to adjust the height and/or inclination of the seat cushion), the “base bracket 3,” “side cover 4” and “support bracket 41” would not be displaced with the “seat cushion 1,” but rather would remain fixed relative to the “upper rail 91.” As such, Itou does not disclose, teach or suggest a trim panel that is displaceable with the seat component relative to a first part of a seat substructure, wherein such a trim panel can both support a seat component and conceal a part of the seat substructure as required by independent Claims 13, 18 and 28.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claims 13, 18 and 28 because at least one element of such claims is not disclosed, taught or suggested by Itou. Applicants submit that Claims 14-17, as they depend from Claim 13, Claims 19-27, as they depend from Claim 18, and Claims 29-32, as they depend from Claim 28, are allowable therewith at least because of their dependency, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 13-32 is respectfully requested.

\* \* \*

Applicants respectfully submit that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicants’ claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 3/29/2010

By /Adam M. Gustafson/

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (414) 297-5652  
Facsimile: (414) 297-4900

Adam M. Gustafson  
Attorney for Applicant  
Registration No. 54,601